

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 754 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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BALPUR VIBHAG JUNGAL KAMDAR SAHAKARI MANDLI LTD

Versus

CONSERVATOR OF FORESTS

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Appearance:

None present for Petitioner  
MR ND GOHIL for Respondent No. 1, 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/10/96

ORAL JUDGMENT

Heard learned counsel for the respondents and perused the Special Civil Application. The petitioner, Balpur Vibhag Jungal Kamdar Sahakari Mandali Ltd., a registered cooperative Society, filed this writ petition before this Court challenging thereunder the order dated 19th December 1986 of the Deputy Conservator of Forests,

under which the petitioner-society was not handed over the possession of coup bearing No.12 known as Kosambdi, Vyara range. All the forests vests in the Government and the forest operations are carried on by the government through various agencies. The petitioner is a society of schedule tribe persons residing in the villages situated in the forests of Dang. The working area for the petitioner society is also earmarked by the Forest Department, namely coup known as Kosambdi, bearing No.12 of Vyara Range. Applications were invited by the Deputy Conservator of Forests, Vyara range, by his letter dated 30th November 1985 for allotment of aforesaid coup for the year 1986-87. The petitioner has been allotted coup No.12 under the order annexure 'B' dated 15th November 1986. The respondent No.2, vide order dated 15.12.86, directed the Range Forest Officer, Vyara, to hand over possession of said copy to the petitioner immediately. Under the communication dated 19th December 1986, the petitioner-society was informed that the possession of the coup is not to be given to the petitioner-society till further orders. This order has been challenged by the petitioner before this Court.

2. Interim relief has been granted by this Court in terms of para-13 of the petition, on 13th March 1987 which continues for all these years, and as such, the petitioner has taken possession of coup No.12 and the contract would have completed. The said coup was allotted for the year 1986-87 which period has already expired long back. In view of this fact, nothing now survives to be decided in this case and this Special Civil Application, in fact, and substance, by passing of time, has become infructuous. In the result, this Special Civil Application is disposed of as having become infructuous. Rule discharged.

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(sunil)